



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON, TN 38055-0000

1640
Ser 00DB/126
6 Jun 14

From: Director, Corrections and Programs Office (BUPERS-00D)

Subj: PRISON RAPE ELIMINATION ACT (PREA) ANNUAL REPORT, CALENDAR YEAR 2013; REPORT OF CORRECTIVE ACTION, U.S. NAVY CORRECTIONS SYSTEM

Ref: (a) 28 CFR 115
(b) OUSD DTM 13-002 of 10 Feb 13 (Ch 1 of 19 Sep 13)
(c) NPC ltr 1640 Ser 00DB/047 of 17 Mar 14
(d) NPC ltr 1640 Ser 00D/154 of 6 Aug 13
(e) NAVCONBRIG Miramar SOP 817.2
(f) NPC ltr 1640 Ser 00DB/048 of 20 Mar 14
(g) BUPERS ltr 1640 Ser 00D/100 of 13 May 14
(h) NPC ltr 1640 Ser 00D/016 of 16 Jan 14
(i) NPC ltr 1640 Ser 00D/001 of 2 Jan 14

1. Purpose. Publish subject findings and corrective actions to improve the effectiveness of sexual abuse prevention, detection, and response within the Navy corrections system, as required per § 115.88(3) of reference (a).

2. Background

a. Reference (b) directed the Military Departments operating Level I-III confinement facilities to "rapidly develop and implement necessary rules and procedures to satisfy the requirements of PREA with strict enforcement measures and universally high standards."

b. For the United States Navy, the Corrections Program aligns under the Chief of Naval Personnel, as administered by the Commander, Navy Personnel Command, Corrections and Programs Office (NAVPERSCOM) (PERS-00D)). Per reference (c), the Navy Corrections "Agency Head" is NAVPERSCOM (PERS-00D).

c. Per reference (c), Navy Corrections has formally adopted the Department of Justice (DOJ) national PREA standards to satisfy the requirements of PREA and seeks compliance within all Navy confinement facilities within the U.S.

d. Navy Corrections has adopted a "zero tolerance" on issues pertaining to sexual abuse and sexual harassment involving prisoners. All allegations of sexual abuse and sexual harassment, regardless of severity or merit, will be immediately reported to the Naval Criminal Investigative Service (NCIS) for investigation. For the Department of the Navy (DON), NCIS is the applicable Military Criminal Investigation Organization (MCIO) for investigations. Non-criminal (e.g., administrative) investigations occurring within a naval confinement facility generally fall under the cognizance of the facility

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commander, and there may be cases where an incident is pursued both internal and external of the confinement facility.

e. Significant progress has been made since the initial Calendar Year 2013 (CY13) PREA compliance assessment by NAVPERSCOM (PERS-00D) and the following implementing and corrective actions are identified.

3. Implementing and Corrective Actions

a. 6 Aug 13. Reference (d) formally assigned Mr. Timothy Purcell, Deputy Director (PERS-00DB), as Navy's Agency-Wide PREA Coordinator to develop, implement, and oversee agency efforts to comply with the PREA standards in all Navy confinement facilities within the U.S. In turn, each Navy confinement facility formally assigned a PREA Compliance Manager to coordinate their facility's effort to comply with the PREA standards.

(1) Naval Air Station (NAS) Jacksonville Pre-trial Confinement Facility (PCF), Jacksonville, FL (ICC (SW) James A. Whitehead);

(2) Naval Consolidated Brig (NAVCONBRIG) Miramar, San Diego, CA (YNC (SW/AW) Hien D. Phan);

(3) NAVCONBRIG Miramar Detachment (DET) Pearl Harbor, Pearl Harbor, HI (Mr. Eugene R. Avalos);

(4) NAVCONBRIG Charleston, Charleston, SC (Mr. Walter Sipple);
and

(5) NAVCONBRIG Chesapeake, Chesapeake, VA (Mr. Kermit Jones, Jr.).

b. 24 Feb 14 to 7 Mar 14. Navy and Marine Corps Corrections PREA Working Group met at NAVCONBRIG Miramar to jointly develop a Standard Operating Procedure (SOP) for NAVCONBRIG Miramar that would serve as a template for other Navy and Marine Corps confinement facilities. Reference (e) was published on 6 Mar 14 with the intent to replicate this governing document within Navy Corrections.

c. 17 Mar 14. Per reference (c), NAVPERSCOM (PERS-00D) formally directed the implementation of the DOJ national PREA standards within all confinement facilities within the U.S.

d. 20 Mar 14. Reference (f) published guidance to the Navy corrections system that serves to interpret, clarify, and standardize the implementation of numerous PREA national standards within a governing "agency" context.

e. 13 May 14. Reference (g) published annual aggregate incident-based sexual abuse data per § 115.87 of reference (a) occurring at

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Navy shore confinement facilities within the U.S. This report is available for public access at: <http://www.public.navy.mil/BUPERS-NPC/SUPPORT/CORRECTIONPROGRAMS/Pages/PREA.aspx>. In review of individual confinement facility CY13 PREA Annual Reports, NAVPERSCOM (PERS-00D) identified the following issues that warrant corrective actions:

(1) Confinement facilities shall forward their CY-14 [summarized or actual] investigations with finalized command disposition and applicable situation reports (SITRPTs) to NAVPERSCOM (PERS-00D) for agency consolidation; hence forward, forward cases as complete; BJS Form SSV-IA (Adult Incident Form) for substantiated cases;

(2) In all PREA-reportable cases, a SITRPT alert forwarded to NAVPERSCOM (PERS-00D) is required;

(3) Decisional authority for [administrative] PREA incident disposition (e.g., substantiated, unsubstantiated, unfounded, and investigation on-going) is a responsibility of the facility commanding officer; and

(4) NAVPERSCOM (PERS-00D) shall identify a standardized format for PREA [administrative] investigations.

f. 16 Jan 14. Reference (h) directed each confinement facility to develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect prisoners against sexual abuse. In review of the individual facility staffing plans, NAVPERSCOM (PERS-00D) is taking the following corrective actions:

(1) Developing a Bureau of Naval Personnel (BUPERS) instruction on the Standardized Organization of Naval Consolidated Brigs;

(2) Requesting support from the National Institute of Corrections (NIC) to provide on-site "Prison Staffing Analysis" training. Currently, this training is scheduled for 4-7 Aug 14 at NAVCONBRIG Miramar and will include Navy teams from each NAVCONBRIG and NAVPERSCOM (PERS-00D);

(3) Conducting on-site analysis of each NAVCONBRIG by corrections subject matter experts (SME) with the objective to review historically available post-BRAC military personnel (MILPERS) and civilian personnel (CIVPERS) staff against prioritized command responsibilities, and provide the commanding officer with recommendations to enhance alignment of staff against priorities. Currently, the first staff-assist visit is scheduled for 8-13 Aug 14

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at NAVCONBRIG Miramar and will include SMEs from each NAVCONBRIG and
NAVPERSCOM (PERS-00D).

4. Auditor Certifications. DOJ Certified Auditors within Navy
Corrections. Upon signature date of the letter, the following staff
within Navy Corrections have been trained and certified:

- a. Mr. William Peck, PERS-00D;
- b. Mr. Timothy Purcell, PERS-00DB;
- c. Mr. Thomas Dooley, PERS-00D2; and
- d. Mr. Walter Sipple, NAVCONBRIG Charleston.

5. CY14 Scheduled PREA Compliance Audit. NAVCONBRIG Miramar, 17-19
Jun 14.

6. Point of Contact (POC) for further information is Mr. Timothy
Purcell, Deputy Director, BUPERS-00DB, available at (901) 874-4452,
timothy.purcell1@navy.mil.



W. E. PECK

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